

Prior law provided for a "lemon law" on new motor vehicles as follows:

- (1) Defined "motor vehicle" as any motor driven car, van, or truck designed to be used for transporting passengers. Specified "motor vehicle" did not include motor homes, mobile homes, trailers, semitrailers, boat trailers, motorcycles, or motor vehicles used exclusively for commercial purposes.
- (2) Required a manufacturer or dealer to repair a motor vehicle to conform to its warranty if the new motor vehicle did not conform to an applicable express warranty and the consumer reported the nonconformity to the manufacturer or authorized dealer and made the vehicle available for repair before the expiration of the warranty or within one year from the date of original delivery of the vehicle, whichever was earlier.
- (3) Provided that a reasonable number of attempts to conform a vehicle to the applicable express warranty had been undertaken if the vehicle was out of service for repairs for a total of 30 or more calendar days or the same nonconformity had been subject to repair four or more times by the manufacturer or authorized dealer within the allowable time.
- (4) Required that if after four or more attempts within the allowable time the nonconformity had not been repaired or if the vehicle had been out of service by reason of repair for 30 or more calendar days, the manufacturer had to replace the motor vehicle with a comparable new motor vehicle or accept return of the vehicle and refund the full purchase price.
- (5) Required the manufacturer to provide rental vehicle reimbursement to the consumer under certain circumstances.
- (6) Presumed that a reasonable number of attempts had been undertaken to conform a motor vehicle to warranties if the vehicle was out of service by reason of repair for a total of 30 days.

New law retains prior law and includes the chassis and drive train of motor homes within the definition of "motor vehicle", which would allow motor homes to be covered by the provisions of the "lemon law". New law specifically exempts motor home dealers from the requirement of providing rental vehicle reimbursement to the consumer when a motor home is being repaired. New law increases the number of days a vehicle must be out of service from 30 days to 90 days.

New law provides that, in the case of a motor home, the consumer must provide the manufacturer with written notice of the need to repair the nonconformity, evidence of at least 90 days of the motor home being out of service, or evidence that the same nonconformity was the subject of repair for four or more times within the warranty term or during the year following the original delivery of the motor home to the consumer. Gives the manufacturer, upon the notification, a final attempt to repair the vehicle. Requires the manufacturer to respond to the consumer within five days as to where the vehicle may be delivered for repair. Requires the repair facility to be one which is authorized by the manufacturer to perform the necessary repair work. Requires the repair facility to repair the motor home within 10 days after delivery of the vehicle. Allows the 10 days to be extended if the consumer authorizes the extension in writing. Provides that if the manufacturer does not respond to the consumer or perform the repairs within the required time, he

waives his right to the final attempt to repair the vehicle.

Effective August 15, 1999.

(Amends R.S. 51:1941(3) and (6), 1943(A), and 1944(A)(intro. para.); Adds R.S. 51:1948(D))